

JAMES BURNETT.

MAY 16, 1898.—Committed to the Committee of the Whole House and ordered to be printed.

Mr. GIBSON, from the Committee on Invalid Pensions, submitted the following

REPORT.

[To accompany H. R. 10055.]

The Committee on Invalid Pensions, to whom was referred the bill (H. R. 10055) granting a pension to James Burnett, have examined the same and the evidence relating thereto and respectfully report:

This bill proposes to pension, at \$12 per month, James Burnett, of Kingston, Tenn., dependent father of Thomas Burnett.

The soldier, Thomas Burnett, was enrolled February 25, 1862, as private in Company B, Fifth Tennessee Volunteers, and served faithfully until September 20, 1864, when he was captured by the Confederates and imprisoned at or near Blackshear, Fla., and he died while in prison, from chronic diarrhea, either contracted in prison or before his capture, it being impossible to determine which, and it being immaterial. This claimant, the father, was dependent on this son, and is now very poor, having no property or income whatever, and no one upon whom he can rely for support or assistance. He is dependent upon charity, very weak and feeble, and upward of 80 years of age. These facts are proved by an abundance of credible testimony.

The father applied for a pension, but his application was denied upon the ground that the soldier was not in the line of duty at the time he was captured, and that his death in prison was the result of his capture. It appears from the evidence that the soldier was on the picket line and went out foraging, with the knowledge and, at least, the implied permission of his superior officers. It seems that some girls, who had pies and chickens and other things to sell, came up to the picket lines and promised to send the lieutenant some chickens and eggs if they would let the soldier, with one or two others, go to their house with them. The permission was given and they went. No sooner had they reached the house than they were set upon by some Confederate soldiers, and Burnett was captured. The others escaped, but Burnett never returned, and died in prison.

The soldier was not outside the lines in violation of orders or in violation of his duty, but was outside, with the permission and implied direction of his superior officers, obtaining food for his superior officers; and while he was not on a regular detail as a forager, he was in point of fact on a foraging expedition. During the war, especially in the far South, most of the foraging was done in this manner. Whenever opportunity for getting food or supplies outside the lines was apparent the superior officers frequently directed soldiers to go and get what they could; at other times the soldiers would request to go and the officers would give their permission. Technically, the soldier was not out on a regular foraging expedition properly detailed, but in fact he was. It is quite evident that the girls who came to the lines and informed the officers and soldiers where they could get food and supplies were there for the purpose of getting as many of our men outside the lines as possible, and knew that if they were enticed outside that they would be surrounded and captured by the Confederates.

The getting of food and supplies in this way was frequently resorted to, especially when our army was located in the far South; and while your committee can not say that this soldier was captured while engaged in foraging in the strict line of duty, still he was not out in violation of any orders or regulations, and hence was in the line of duty when captured.

The bill is meritorious, the soldier was faithful and brave and performed valuable military service up to this time, and the father in his necessitous circumstances and old age is entitled to recognition.

The bill is reported back with the recommendation that it pass.

DEPARTMENT OF THE INTERIOR,
BUREAU OF PENSIONS,
Washington, D. C., September 9, 1897.

SIR: In response to the request of Hon. Henry R. Gibson, you are again informed that your claim for pension as father of above soldier was rejected August 14, 1891, because the soldier was not in line of duty when he was captured, his death in prison being the result of his capture.

There is nothing now pending in this case.

Very respectfully,

J. L. DAVENPORT,
Acting Commissioner.

MR. JAMES BURNETT,
Kingston, Tenn.

STATE OF TENNESSEE, *County of Roane, ss:*

In the matter of pension claim of James Burnett, father of Thomas, who was a member of Company B, Fifth Regiment Tennessee Volunteers, personally came before me, a notary public in and for said county and State, James R. Thompson, aged 74 years, whose post-office address is Emory Gap, County of Roane, State of Tennessee, well known to me to be reputable and entitled to credit, and who, being duly sworn, declares in relation to the aforesaid claim as follows:

I was captain of above-named company, and Thomas Burnett was a member of my company while at or near Marietta, in the State of Georgia, about September 20, 1864. I was in command of my company and the entire regiment at the time, and I ordered a small number of my men out on picket duty, and among the number the said Thomas Burnett was one of the soldiers sent out; and about $1\frac{1}{2}$ miles from headquarters, at or near their picket post, Thomas Burnett was captured by the enemy and carried away by them as a prisoner of war, and I consider him as under my orders, that he was captured while in service and line of his duty, and as I first stated as to date, as above stated, that it was done at the time and place, September 20, 1864. I have given these statements before, and I still contend that the above-named soldier when captured by the enemy was in service and strictly in line of his duty, leaving a clear

record, as he did, of a faithful and honorable soldier. I believe the claim for him is a just and worthy one and should be allowed.

Affiant's knowledge of the above facts is from his own personal knowledge.

J. R. THOMPSON,
Captain Company B, Fifth Regiment Tennessee Volunteers.

Sworn to and subscribed before me this day by the above-named affiant, and I read the affidavit to said affiant and acquainted him with its contents before he executed the same. I further certify that I am in no wise interested in this case, nor am I concerned in its prosecution; and that said affiant is personally known to me, and that he is a creditable person.

Witness my hand and official seal this 24th day of September, 1897.

[SEAL.]

J. B. PETERMAN, *Notary Public.*

STATE OF TENNESSEE, *Roane County:*

In the matter of the pension claim (No. 243547) of James Burnett, dependent father of Thomas Burnett, late a private, Company B, Fifth Regiment Tennessee Infantry Volunteers.

On this, the 8th day of October, 1897, personally appeared before me, a notary public in and for the county and State aforesaid, Isaac W. Wallace, age 60 years, a resident of Oral, county of Roane, and State of Tennessee, well known to me to be reputable and entitled to credit, and who, being duly sworn, says in relation to the above claim:

I was personally acquainted with the above Thomas Burnett, and well remember that he was detailed, on or about September 20, 1864, as a scout around the corral, and while out he was captured by the rebels; and further, I know he was in line of duty when captured. I know the above facts from my own personal knowledge, being a comrade of the same regiment, but of Company A. I further declare I have no interest in said claim, nor am I concerned in its prosecution.

ISAAC W. (his x mark) WALLACE.

Witnesses—

J. A. TERITTS.

G. A. SMITH.

STATE OF TENNESSEE, *Roane County:*

Sworn and subscribed to before me this day by the above-named affiant; and I certify that I read said affidavit to said affiant and acquainted him with its contents before he executed the same; and I further certify that he is well known to me to be a creditable person and so reputed in the community in which he lives, and that I am not interested in this claim.

Witness my hand and seal this the 8th day of October, 1897.

[SEAL.]

J. A. TURNBILL, *Notary Public.*

STATE OF TENNESSEE, *Roane County:*

Personally appeared before me, J. C. Pope, clerk of county court of said county and State, A. J. Childress, aged 53 years, to me well known and whom I certify to be respectable and entitled to full credit on oath, and who being sworn, deposes and says that he is well acquainted with James Burnett, applicant for pension as dependent father, and that to my personal knowledge he is totally dependent, crippled man, and old, not able to perform hard manual labor, and, being destitute, is thrown upon public charity for support. The county has been appropriating money for his support for more than a year. This affidavit written by J. C. Pope at clerk's office from my verbal statement made to him. I have no interest in this matter, and am not related to him.

A. J. CHILDRESS.

Sworn to and subscribed before me February 10, 1898. I have no interest in this claim, and am not related to claimant.

[SEAL.]

J. C. POPE, *Clerk.*

STATE OF TENNESSEE, *Roane County:*

Personally appeared before me, J. C. Pope, clerk of the county court for said county, J. G. Brown, aged 69 years old, and John Marney, aged 65 years old, with whom I am personally acquainted and whom I certify to be respectable and entitled

to full credit on oath or otherwise, and who being duly sworn according to law, depose and say that they are personally well acquainted with James Burnett, who is an applicant for pension as dependent father, and have known him for many years. He is an old man, crippled, and has no property; therefore he is totally dependent on the public for support. The county has been making appropriations for his support for more than a year; his only means of support is the public charity. This affidavit was written by J. C. Pope, at the clerk's office, in Kingston, from my verbal statement which I make from personal observation. I have no interest in this matter and not related to the claimant.

J. G. (his x mark) BROWN.
JOHN MARNEY.

Witnesses:

J. A. FRITTS.

M. E. POPE.

Sworn to and subscribed before me February 10, 1898. I have no interest in this claim and am not related to him.

[SEAL.]

J. C. POPE, Clerk.

STATE OF TENNESSEE, *Roane County*:

Be it remembered that at a county court began, opened, and held for the county of Roane at the court-house in Kingston, Tenn., on the first Monday of January, 1898, present and presiding the worshipful E. C. Roberts, chairman, and a quorum of justices in commission, the following among other proceedings were had and entered of record in said court, to wit:

Ordered by the court that there be paid to James Burnett for his support, 1898, certified quarterly, the sum of \$20.

STATE OF TENNESSEE, *Roane County*:

I, J. C. Pope, clerk of the county court for said county, certify that the foregoing is a true and perfect copy of the county court record, appropriating money for support of James Burnett, as the same appears of record in my office.

Witness my hand and seal at Kingston, Tenn., February 10, 1898.

[SEAL.]

J. C. POPE, Clerk.